

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MODA INGLESIDE OIL TERMINAL, LLC	§	
	§	
	§	
V.	§	C.A. No. 2:21-CV-00039
	§	Admiralty 9(h)
M/T RIVERSIDE, its engines, tackle, etc.,	§	
<i>in rem</i>	§	

**OCY AQUARIUS LTD., NAT CHARTERING LTD. AND V SHIPS NORWAY AS’  
DESIGNATION OF EXPERTS**

Pursuant to the Federal Rules of Civil Procedure, this Court’s Amended Scheduling Order, and the agreement of the parties, OCY Aquarius Ltd. (“OCY”), on behalf of itself, and pursuant to its Statement of Right or Interest as the registered owner of the *M/T Nordic Aquarius*, on behalf of the *in rem* Defendant, *M/T Nordic Aquarius*, her engines, tackle, etc. (“Nordic Aquarius” or “Vessel”), NAT Chartering Ltd. (“NAT”), and V. Ships Norway AS (“V. Ships”) (collectively the “NA Interests”), file their Designation of Expert Witnesses. The NA Interests may call the following individuals by deposition or live at trial to give testimony in this matter:

**I.**  
**RETAINED EXPERTS**

NA Interests designate the following experts, each of whom has been specially retained for litigation purposes by the NA Interests and who may be called as an expert witness to give testimony in the form of opinions based on their education, training, background, and review of the evidence in this matter, as well as (in some instances) on independent examination, evaluation, and/or testing.

- 1. Capt. Sam Stephenson, J.D.**  
**Stephenson Maritime International**  
**499 Thatch Palm Drive**  
**Boca Raton, Florida**  
**(954) 629-1342**

**Capt. Stephenson is a Master Mariner and Senior Harbor Pilot who will provide expert testimony on matters including, but not limited to: the relevant transits of the *M/T Riverside* and *M/T Nordic Aquarius* on March 15, 2021; the actions of the pilots aboard the respective vessels; Master/Pilot exchanges; bridge team communications while under pilotage; the utilization of Pilot PPUs; the pilots' respective duties; causation of the *Riverside's* allision with MODA's terminal; the various parties' duties and/or liabilities related to the allision at issue; proper and safe procedures during transit of the Corpus Christi channel; the relative fitness of the *Nordic Aquarius* and the lack of fitness of the *Riverside* for the operations underway at all relevant times; applicable rules, regulations, industry custom and practice on issues including, but not limited to pilotage, navigation, manning, etc.; privity and knowledge of relevant facts of the owners and operators of the *Riverside* the Safety Management Systems of the *Nordic Aquarius* and *Riverside* and their respective managers; their Bridge Organizations and Bridge Resource Management; other liability issues and related matters.**

**Capt. Stephenson's report dated June 13, 2022 together with his curriculum vitae, rate sheet, and case list are being produced with this designation as NORDIC 0712-0764.**

**Capt. Stephenson may express additional opinions and the bases and reasons for those opinions at his deposition and/or in rebuttal to any additional opinions offered by experts of other parties within the areas of his expertise.**

2. **Pierce N. Power**  
**Martin, Ottaway, Van Hemmen & Dolan, Inc.**  
**620 Shrewsbury Avenue**  
**Tinton Falls, New Jersey 07701**  
**(732) 224-1133**

**Mr. Power is a marine engineer and surveyor with Martin, Ottaway. He will provide expert testimony on matters including, but not limited to: the applicable standards for the condition of the *Riverside*'s main engine and associated equipment; appropriate maintenance, repair, and diagnostic efforts in connection with same; the failure of the *Riverside* Interests to satisfy those standards; physical damage, associated repairs; and related costs claimed by the *Riverside* Interests; the reasonableness and necessity of same; and related matters.**

**Mr. Power's report dated June 15, 2022 together with his curriculum vitae, case list, and rate sheet are being produced with this designation as NORDIC 0765-0803.**

**Mr. Power may express additional opinions and the bases and reasons for those opinions at his deposition and/or in rebuttal to any additional opinions offered by experts of other parties within the areas of his expertise.**

3. **Capt. Patrick L. Johnsen**  
**4701 Shore Lane Drive, Suite 103, Box 262**  
**Virginia Beach, Virginia 23455**  
**(443) 789-8995**

**Capt. Johnsen is a global chartering expert on oil and chemical cargoes who will testify on the reasonable commercial and market assessment for the loss of use claim made by and on behalf of the *M/T Riverside* following the allision at issue, and related matters.**

**Capt. Johnsen's report dated June 14, 2022, together with his curriculum vitae, rate sheet and case list are being produced with this designation as NORDIC 0804-0828.**

- 4.. **Mr. William J. Thomassie, P.E.**  
**Infinity Engineering Consultants, LLC**  
**4001 Division Street**  
**Metairie, Louisiana 70002**  
**(504) 304-0548**

**Mr. Thomassie is a Professional Engineer with expertise in the engineering, design, and construction of marine facilities. Mr. Thomassie will testify concerning the physical damages sustained by MODA as a result of the allision by the *Riverside*; the costs incurred in repairing and restoring MODA's facility; the reasonableness and necessity of those costs; betterment; depreciation; and related matters.**

**Mr. Thomassie's report dated June 15, 2022, together with his curriculum vitae, rate sheet and case list are being produced with this designation as NORDIC 0829-0849.**

**II.**  
**NON-RETAINED EXPERTS**

NA Interests reserve the right to elicit by way of cross-examination, opinion testimony from experts designated and called by any other party including, but not limited to: MODA Ingleside Oil Terminal, LLC, Glory Riverside Navigation LTD, Active Denizcilik VEG EMI, Thome Ship Management PTE LTD, and the *M/T Riverside, in rem*. In so stating, NA Interests are not stipulating to the expertise and/or qualifications of any such individual and do not adopt, agree to and/or incorporate any adverse opinion expressed by any of these individuals. NA Interests express their intention to possibly call as witnesses associated with an adverse party, any of the following and any other expert timely identified by another party:

1. **Jay Rivera**  
**Riben Marine**  
**14493 South Padre Island Drive**  
**Suite A, PMB 490**  
**Corpus Christi, TX 78418**  
**(361) 815-7388**  
***--Liability expert retained by MODA Ingleside Oil Terminal, LLC.***
2. **Brian J. Higgins**  
**DMCG Project Solutions**  
**2450 Atlanta Highway, Suite 1201**  
**Cumming, Georgia 30040**  
**(281) 356-1238**  
***--Marine Engineer retained by MODA Ingleside Oil Terminal, LLC.***
3. **Malcolm McLaren**  
**Steven A. Famularo, PE, D.PE**  
**McLaren Engineering Group**  
**530 Chestnut Ridge Rd**  
**Woodcliff Lake, New Jersey 07677**  
**(201) 775-6000**  
***--Damages experts retained by MODA Ingleside Oil Terminal, LLC.***

4. **Timothy Horne**  
**5 Danvers Road**  
**London, United Kingdom**  
**N8 7HH**  
**+44 7487 523 903**  
*--Loss of hire expert retained by the Riverside Interests.*
5. **Prentice (Skip) Strong III**  
**Independent Maritime Consulting LLC**  
**2425 Post Rd. (Suite 101)**  
**Southport, Connecticut 06890**  
**(203) 256-1000**  
*--Liability expert retained by the Riverside Interests.*
6. **John Poulson**  
**Poulson Marine Consultants,**  
**998C Old Country Road, No. 183**  
**Plainview, New York 11803**  
**(516) 481-5840**  
*--Damages expert retained by the Riverside Interests.*

### **III.**

The following individuals have been identified as fact witnesses. They have not been specially retained by NA Interests. NA Interests reserve the right to call the following individuals and/or representatives and/or custodian of records of the indicated businesses as experts to give evidence in the form of opinions within the scope of their respective expertise:

1. **Georgy Ustyuzhanin, Master**  
**Igor Petrov, Chief Officer**  
**Officers and crew of the M/T Nordic Aquarius**  
**c/o SBSB - Eastham**  
**1001 McKinney, Suite 1400**  
**Houston, Texas 77002**  
**(713) 225-0905**  
*--These officers and crew comprised part of the Bridge Team of the Nordic Aquarius. They will have knowledge of their undocking from MODA Terminal, their outbound transit in the Corpus Christi Channel, communications with the pilots, the transit of the Riverside on March 15, 2021, and related issues.*

2. **Capt. Cory Fontenot**  
**Capt. Earl "Trip" Webb, III**  
**c/o James T. Brown**  
**Holman Fenwick Willan USA LLP**  
**5151 San Felipe, Suite 400**  
**Houston, Texas 77056**  
**(713) 917-0888**

*--Capt. Fontenot was the conning pilot of the Nordic Aquarius and Capt. Webb the non-conning pilot at the time of the Riverside's allision with MODA Terminal. They will have knowledge of the transits at issue; communications with the pilots of the Riverside; the unmooring and getting underway of the Nordic Aquarius; speed restrictions in the area; pilotage issues; custom and practice of the Aransas-Corpus Christi Pilots; and related issues.*

#### IV.

The following individuals have also been identified as fact witnesses. They have not been specially retained by NA Interests, and NA Interests are not stipulating to the expertise and/or qualifications of any such individual and do not hereby adopt, agree to and/or incorporate any adverse opinion expressed by any of these individuals. NA Interests reserve the right to call the following individuals and/or representatives and/or custodian of records of the indicated businesses as experts to give evidence in the form of opinions within the scope of his expertise:

1. **Capt. Justin Anderson**  
**c/o James T. Brown**  
**Holman Fenwick Willan USA LLP**  
**5151 San Felipe, Suite 400**  
**Houston, Texas 77056**  
**(713) 917-0888**

*--Capt. Anderson was the conning pilot of the Riverside at the time of the Riverside's allision with MODA Terminal. He will have knowledge of the transits at issue; communications with the pilots of the Nordic Aquarius; speed restrictions in the area; pilotage issues; custom and practice of the Aransas-Corpus Christi Pilots; the failure of the Riverside's Master to communicate critical information related to the Riverside's engines and machinery; and related issues.*

2. **Capt. Ben Watson**  
**c/o Paxton Crew**  
**The Crew Law Firm**  
**303 East Main Street, Suite 260**  
**League City, Texas 77573**  
**(409) 204-0050**  
*--Capt. Watson was the non-conning pilot of the Riverside at the time of the Riverside's allision with MODA Terminal. He will have knowledge of the transits at issue; communications with the pilots of the Nordic Aquarius; speed restrictions in the area; pilotage issues; custom and practice of the Aransas-Corpus Christi Pilots; the failure of the Riverside's Master to communicate critical information related to the Riverside's engines and machinery; and related issues.*
3. **Employees and/or corporate representatives and**  
**Custodian of Records of**  
**Active Denizcilik VE GEMI**  
**c/o Dabney W. Pettus**  
**Welder Leshin Lorenz McNiff Buchanan Hawn, LLP**  
**800 North Shoreline Blvd., Suite 300, North Tower**  
**Corpus Christi, Texas 78401**  
**(361) 561 8000**  
*--Active Denizcilik VE GEMI is a Defendant/Third Party Plaintiff.*
4. **Employees and/or corporate representatives and**  
**Custodian of Records of**  
**Glory Riverside Navigation LTD**  
**c/o Dabney W. Pettus**  
**Welder Leshin Lorenz McNiff Buchanan Hawn, LLP**  
**800 North Shoreline Blvd., Suite 300, North Tower**  
**Corpus Christi, Texas 78401**  
**(361) 561 8000**  
*--Glory Riverside is a Defendant/Third Party Plaintiff.*
5. **Yashpal Chahar, Master**  
**Konstantin Timchenko, Chief Officer**  
**Lloyd Vijayanand D. Almeida, Chief Engineer**  
**Orlando Mazo Angelo - AB**  
**Ronnel Remotin Dela Cruz - AB**  
**Lawrence Boholst Angeles - AB**  
**Other officers, crew, corporate representatives and**  
**Custodian of Records of**  
**Thome Ship Management PTE LTD**  
**c/o Dabney W. Pettus**  
**Welder Leshin Lorenz McNiff Buchanan Hawn, LLP**  
**800 North Shoreline Blvd., Suite 300, North Tower**  
**Corpus Christi, Texas 78401**

**(361) 561 8000**

*--These are officers and crew of the M/T Riverside, employed by Thome, who is a Defendant/Third Party Plaintiff.*

6. **Jeremy Cannon  
Preston Bailey  
Kevin Campbell  
Robert Luna  
Other representatives and  
Custodian of Records of  
MODA Ingleside Oil Terminal LLC n/k/a Enbridge  
c/o Jack C. Partridge  
Royston, Rayzor, Vickery & Williams, LLP  
1300 Frost Bank Plaza  
802 N. Carancahua  
Corpus Christi, Texas 78470  
(361) 884 8808  
--Plaintiff.**
7. **Employees and/or corporate representatives of  
Aransas-Corpus Christi Pilots  
743 Channel View Drive  
Port Aransas, Texas 78373  
(361) 749-5444  
--Local pilots with knowledge of custom and practice related to transiting the Corpus Christi Channel.**
8. **Aransas-Corpus Christi Pilot Board  
743 Channel View Drive  
Port Aransas, Texas 78373  
(361) 749-5444  
--Investigated the Riverside's allision with MODA Terminal.**
9. **Representatives of the  
National Transportation Safety Board  
490 L'Enfant Plaza SW  
Washington, D.C. 20594  
(800) 877-6799  
--Investigated the Riverside's allision with MODA Terminal and prepared a report dated March 16, 2022.**
10. **Investigators with  
U.S. Coast Guard Sector Corpus Christi  
249 Glasson Drive  
Corpus Christi, Texas 78406  
(361) 939-0200**



*--Assisted NTSB investigation of the Riverside's allision with MODA Terminal.*

11. **HaoBing Yu  
Paulo Cesar Brito  
Det Norske Veritas  
1400 Ravello Dr.  
Katy, TX 77449  
(281) 396-1000  
*--Class surveyors for the Riverside.***
12. **Joseph Jude  
MAN Energy Solutions - USA  
1758 Twinwood Parkway  
Brookshire, TX 77423  
(713) 780-4200  
*--Engine superintendent for the Riverside.***
13. **Rawi Rawat  
Houston Ship Repairs  
8303 Millet Street  
Houston, Texas 77012  
*--Engine technician for Riverside.***
14. **Capt. Syed Ali  
3D Marine USA, Inc.  
12411 Donna Lane  
Houston, Texas 77067  
(281) 444-9495  
*--Surveyor for Riverside's time charterer.***
15. **Maricot Inc.  
P.O. Box 4402  
Corpus Christi, TX 78469  
(361) 960-1931  
*--Surveyor for Plaintiff.***
16. **Employees and/or corporate representatives of  
OCY Aquarius Ltd.  
c/o James T. Bailey  
SBSB – Eastham  
1001 McKinney, Suite 1400  
Houston, Texas 77002  
(713) 225-0905  
*--Registered Owner/Vessel Claimant of the M/T Nordic Aquarius.***

17. **Employees and/or corporate representatives of  
NAT Chartering Ltd  
c/o James T. Bailey  
SBSB – Eastham  
1001 McKinney, Suite 1400  
Houston, Texas 77002  
(713) 225-0905  
*--Bareboat charterer / commercial operator of M/T Nordic Aquarius.***
18. **Employees and/or corporate representatives of  
V. Ships Norway AS  
c/o James T. Bailey  
SBSB – Eastham  
1001 McKinney, Suite 1400  
Houston, Texas 77002  
(713) 225-0905  
*--Technical Manager / Crewing for the M/T Nordic Aquarius.***
19. **Sean Strawbridge  
Francis Michael (“Mike”) Kershaw  
Clark Robertson  
Employees and/or Consultants and/or corporate representatives of  
Port of Corpus Christi Authority  
222 Power Street  
Corpus Christi, Texas 78401  
(361) 882 5633  
*--Safety and navigational concerns presented by deep draft ship traffic transiting in the vicinity of Ingleside; ongoing safety issues with the dock facility operated by MODA and its predecessors.***
20. **Russell Cordo  
Employees and/or consultants and/or corporate representatives of  
The Harbormaster’s Office  
Port of Corpus Christi Authority  
222 Power Street  
Corpus Christi, Texas 78401  
(361) 882 5633  
*--Harbormaster; Assists with vessel traffic monitoring and responded to the incident in question.***
21. **Officers and crew of the *Signet Honour*  
c/o Signet Maritime Corporation  
1300 Post Oak Boulevard, Suite 600  
Houston, Texas 77056  
(713) 840 1100**

*--Knowledge and expertise concerning docking and undocking deep draft ships at MODA; assisted with undocking of M/T Nordic Aquarius; aided the navigation of the M/T Riverside.*

**22. J. Barry Snyder**

**Gayle Snyder**

**Employees and/or consultants and/or corporate representatives of**

**Signet Maritime Corporation**

**1300 Post Oak Boulevard, Suite 600**

**Houston, Texas 77056**

**(713) 840 1100**

*--Knowledge and expertise regarding safety issues presented at the “Moda intersection” including the need for assist tugs and specific knowledge concerning the “accident at Moda with M/T Riverside.”*

**23. Patrick Darjon**

**Independent Maritime Consulting LLC**

**(281) 678-7642**

*--Consultant appointed by Riverside Interests to attend the MODA facility and conduct a damage survey.*

**24. Okan Erkirtay**

**Erlap Ceylan**

**Other employees and representatives of**

**Vitsan A.S.**

*--Marine surveyor appointed on behalf of M/T Nordic Aquarius Interests to attend the M/T Riverside at the Sefine Shipyard in Yalova, Turkey.*

**V.**

NA Interests reserve the right to supplement this designation with additional designations of experts within the time limits imposed by the Court or any alterations of same by subsequent Court Order or agreement of the parties, or pursuant to the Federal Rules of Civil Procedure.

**VI.**

NA Interests reserve the right to elicit, by way of cross-examination, opinion testimony from experts timely designated and called by any other party to the suit.

## **VII.**

NA Interests reserve the right to call undesignated rebuttal expert witnesses whose expert testimony cannot be reasonably foreseen until the presentation of the evidence.

## **VIII.**

NA Interests reserve the right to withdraw the designation of any expert and to aver positively that any such previously designated expert will not be called as a witness at trial, and to redesignate same as a consulting expert, who cannot be called by opposing counsel.

## **IX.**

NA Interests reserve the right to elicit any expert opinion or lay opinion testimony at the time of trial which would be truthful, which would be of benefit to the Court to determine material issues of fact, and which would not violate any existing Court Order or the Federal Rules of Civil Procedure.

## **X.**

NA Interests designate as adverse parties, potentially adverse parties, and/or as witnesses associated with adverse parties, all other parties to this suit and all experts designated by any party to this suit, even if the designating party is not a party to the suit at the time of trial. In the event a present or future party designates an expert but then is dismissed for any reason from the suit or fails to call any designated expert, NA Interests reserve the right to designate and/or call any such party or any such experts previously designated by any party.

## **XI.**

NA Interests reserve whatever additional rights they may have with regard to experts, pursuant to the Federal Rules of Civil Procedure, the case law construing same, and the rulings of the Court.

Respectfully submitted,

/s/ James T. Bailey

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*Attorneys for Nordic Aquarius Interests*

OF COUNSEL:

SCHOUEST, BAMDAS, SOSHEA, BENMAIER & EASTHAM PLLC

**CERTIFICATE OF SERVICE**

I certify that I filed the foregoing Designation of Experts on June 15, 2022, electronically, and that a true and correct copy of the foregoing will be served on counsel of record via the Electronic Case Filing System of the United States District Court for the Southern District of Texas, Galveston Division.

**Via Electronic Filing System**

John C. Partridge  
Royston, Rayzor, Vickery & Williams, LLP  
802 N. Carancahua, Suite 1300  
Corpus Christi, Texas 78401

**Via Electronic Filing System**

Dabney W. Pettus  
Welder Leshin LLP  
800 N Shoreline Blvd., Suite 300 N  
Corpus Christi, Texas 78401

/s/ James T. Bailey

James T. Bailey